

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP</b>
Anders Stenberg	)	<b>APPEAL BRIEF - PATENTS</b>
	)	
Application No.: 09/879,151	)	Group Art Unit: 3761
	)	
Filed: June 13, 2001	)	Examiner: Catharine L. Anderson
	)	
For: ABSORBENT ARTICLE	)	Appeal No.: 1
	)	
	)	
	)	

**APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Examiner dated 23 June 2009 finally rejecting claims 1, 2, 5-11, 19-25 and 44-47, which are reproduced as the Claims Appendix of this brief.

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The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

**I. Real Party in Interest**

The present application is assigned to SCA Hygiene Products AB. SCA Hygiene Products AB is the real party in interest, and is the assignee of Application No. 09/879,151.

**II. Related Appeals and Interferences**

The Appellant legal representative, or assignee, does not know of any other appeal or interferences which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

**III. Status of Claims**

Claims 1, 2, 5-11, 19-25 and 44-47 are pending, finally rejected and appealed. Claims 3, 4, 12-18, 26-43 are canceled.

**IV. Status of Amendments**

No Amendment has been filed in response to the 23 June 2009 Office Action.

**V. Summary Claimed Subject Matter**

In one embodiment (see, e.g., claim 1) an absorbent article (1) has a liquid pervious topsheet (2), a liquid impervious backsheet (3), and an absorbent body (4) enclosed therebetween. Figure 1 and Page 3, lines 23-26. Further, the liquid-impervious backsheet (3) may have a strip part (10) and a remaining part, the strip part (10) being an integral part of the backsheet (3), the strip part (10) having a different color than the remaining part of the backsheet (3). Figure 1 and Page 5,

lines 14-30. Also, the liquid-impervious backsheet (3) may have a wetness indicator (9) arranged at an inside of the liquid impervious backsheet (3) in a pattern and being visible through the backsheet (3). Figure 1 and Page 5, lines 14-30. The wetness indicator (9) may be disposed on or adjacent to the strip part (10) such that identification of the location of the wetness indicator (9) on or adjacent to the strip part (10) is facilitated by the strip part (10) that has a color and wherein that color is different than the color of the remaining part of the backsheet (3). Figure 1 and Page 5, lines 14-30. The strip part (10) may have a width of between 1 and 6 cm. Figure 1 and Page 6, lines 27-28. The color of the strip part (10) may be an indicia that provides an indication of size, or absorption capacity of the article (1). Figure 1 and Page 2, lines 28-29.

In another embodiment (see, e.g., claim 2), an absorbent article (1) has a liquid pervious topsheet (2), a liquid impervious backsheet (3), and an absorbent body (4) enclosed therebetween. Figure 1 and Page 3, lines 23-26. Further, the article (1) may have a separate strip of material (10) fastened on the inside of the backsheet (3), the strip (10) having a different color than the backsheet (3). Figure 1 and Page 5, lines 14-30. Also, the article (1) may have a plurality of wetness indicators (9) arranged at an inside of the liquid impervious backsheet (3) in a pattern and being visible through the backsheet (3). Figure 1 and Page 5, lines 14-30. The wetness indicators (9) may be disposed on or adjacent to the strip (10) such that identification of the location of the plurality of wetness indicators (9) on or adjacent to the strip (10) is facilitated by the strip (10) that has a color and wherein that color is different than the color of the remaining part of the backsheet (3). Figure 1 and Page 5, lines 14-30. The strip (10) may have a width of between 1 and 6 cm. Figure 1

and Page 6, lines 27-28. The color of the strip (10) is an indicia that provides an indication of size, or absorption capacity of the article (1). Figure 1 and Page 2, lines 28-29.

In another embodiment (see, e.g., claim 5, depending from claim 1), an absorbent article (1) may have a length in a longitudinal direction, the strip part (10) extending in the longitudinal direction of the article (1) over an entire length or at least an essential part of the length of the article (1). Figure 1 and Page 6, lines 18-25.

In another embodiment (see, e.g., claim 6, depending from claim 1), the strip part (10) may extend in a transverse direction of the article (1) and is applied at a part of the article (1) that is intended to form a folding line for a folded packaging position of the article (1). Figure 1 and Page 6, lines 18-25.

In another embodiment (see, e.g., claim 7, depending from claim 1), the strip part (10) has a width between 1 and 8 cm. Figure 1 and Page 6, lines 27-28.

In another embodiment (see, e.g., claim 8, depending from claim 1), the article (1) may also have printed symbols or codes on or adjacent the strip part (10), the printed symbols or codes also being an indication of a product type, size, or absorption capacity of the article (1). Figure 1 and Page 3, lines 8-9.

In another embodiment (see, e.g., claim 9, depending from claim 1), the absorbent article (1) is a diaper or an incontinence guard. Figure 1 and Page 1, lines 3-4.

In another embodiment (see, e.g., claim 10, depending from claim 1), the strip part (10) is between 2 and 7 cm in width. Figure 1 and Page 6, lines 27-28.

In another embodiment (see, e.g., claim 11, depending from claim 1), the strip part (10) is between 3 and 6 cm in width. Figure 1 and Page 6, lines 27-28.

In another embodiment (see, e.g., claim 19, depending from claim 2), the article (1) may have a length in a longitudinal direction, the strip (10) extending in the longitudinal direction of the article (1) over an entire length or at least an essential part of the length of the article (1). Figure 1 and Page 6, lines 18-25.

In another embodiment (see, e.g., claim 20, depending from claim 2), the strip (10) extends in a transverse direction of the article (1) and is applied at a part of the article (1) that is intended to form a folding line for a folded packaging position of the article (1). Figure 1 and Page 6, lines 18-25.

In another embodiment (see, e.g., claim 21, depending from claim 2), the strip (10) has a width between 1 and 8 cm. Figure 1 and Page 6, lines 27-28.

In another embodiment (see, e.g., claim 22, depending from claim 2), the absorbent article (1) also has printed symbols or codes on or adjacent the strip (10), the printed symbols or codes also being an indication of a product type, size, or absorption capacity of the article (1). Figure 1 and Page 3, lines 8-9.

In another embodiment (see, e.g., claim 23, depending from claim 2), the absorbent article (1) is a diaper or an incontinence guard. Figure 1 and Page 1, lines 3-4.

In another embodiment (see, e.g., claim 24, depending from claim 2), the strip (10) is between 2 and 7 cm in width. Figure 1 and Page 6, lines 27-28.

In another embodiment (see, e.g., claim 25, depending from claim 2), the strip (10) is between 3 and 6 cm in width. Figure 1 and Page 6, lines 27-28.

In another embodiment (see, e.g., claim 44), an assortment of products has a plurality of absorbent articles (1) of at least two different sizes, or absorption capacities of the articles. Figure 1 and Page 6, lines 4-12. Each article (1) may have a liquid pervious topsheet (2), a liquid impervious backsheet (3), and an absorbent body (4) enclosed therebetween. Figure 1 and Page 3, lines 23-26. Further, the liquid-impervious backsheet (3) may have a strip part (10) and a remaining part, the strip part (10) being an integral part of the backsheet (3), the strip part (10) having a different color than the remaining part of the backsheet (3). Figure 1 and Page 5, lines 22-30. The backsheet (3) may have a wetness indicator (9) arranged at an inside of the liquid impervious backsheet (3) in a pattern and being visible through the backsheet (3). Figure 1 and Page 5, lines 22-30. The wetness indicator (9) may be disposed on or adjacent to the strip part (10) such that identification of the location of the wetness indicator (9) on or adjacent to the strip part (10) is facilitated by the strip part (10) that has a color and wherein that color is different than the color of the remaining part of the backsheet (3). Figure 1 and Page 5, lines 22-30. The strip part (10) may have a width of between 1 and 6 cm. Figure 1 and Page 6, lines 27-28. Different colors of the strip part (10) may be an indicia that provides an indication of the difference in the size, or absorption capacity of the article (1). Figure 1 and Page 6, lines 4-12.

In another embodiment (see, e.g., claim 45), an assortment of products has a plurality of absorbent articles (1) of at least two different sizes, or absorption capacities of the articles (1). Figure 1 and Page 6, lines 4-12. Each absorbent article (1) may have a liquid pervious topsheet (2), a liquid impervious backsheet (3), and an absorbent body enclosed therebetween (4). Figure 1 and Page 3, lines 23-

26. Further, a separate strip of material (10) may be fastened on the inside of the backsheet (3), the strip (10) having a different color than the backsheet (3). Figure 1 and Page 5, lines 22-30. A plurality of wetness indicators (9) may be arranged at an inside of the liquid impervious backsheet (3) in a pattern and being visible through the backsheet (3). Figure 1 and Page 5, lines 22-30. The wetness indicators (9) may be disposed on or adjacent to the strip (10) such that identification of the location of the plurality of wetness indicators (9) on or adjacent to the strip (10) is facilitated by the strip (10) that has a color and wherein that color is different than the color of the remaining part of the backsheet (3). Figure 1 and Page 5, lines 22-30. The strip may have a width of between 1 and 6 cm. Figure 1 and Page 6, lines 27-28. Different colors of the strip (10) are an indicia that provides an indication of the difference in the size, or absorption capacity of the article (1). Figure 1 and Page 6, lines 4-12.

In another embodiment (see, e.g., claim 46, depending from claim 1), the wetness indicator (9) is disposed on the strip part (10) such that identification of the location of the wetness indicator (9) on the strip part (10) is facilitated by the strip part (10) that has a color and wherein that color is different than the color of the remaining part of the backsheet (3). Figure 1 and Page 5, lines 22-30.

In another embodiment (see, e.g., claim 47, depending from claim 2), the wetness indicators (9) are disposed on the strip (10) such that identification of the location of the plurality of wetness indicators (9) on the strip (10) is facilitated by the strip (10) that has a color and wherein that color is different than the color of the remaining part of the backsheet (3). Figure 1 and Page 5, lines 22-30.

## **VI. Grounds of Rejection to be Reviewed on Appeal**

Claims 1, 2, 5-11 and 19-25 and 46-47 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cammarota (USPN 6,307,119).

Claims 44 and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cammarota (USPN 6,307,119) in view of Miller (USPN 5,839,585).

## **VII. Argument**

Independent claims 1, 2, 44 and 45 recite that identification of the location of a wetness indicator (or a plurality of wetness indicators - Claims 2 and 45) on or adjacent to the strip part (strip - claims 2 and 45) is facilitated by the strip part (strip) having a color and wherein that color is different than the color of the remaining part of the backsheet. And, the color of the strip<sup>1</sup> is an indicia that provides an indication of size or absorption capacity of the article.

A primary issue relates to the Office's consideration of the claim recitation of "the color of the strip is an indicia that provides an indication or size or absorption capacity of the article." The Office's position is that the recitation relates to "printed matter" and, therefore, does not merit consideration for patentability. Appellant maintains that all the present claim recitations merit patentable weight and must be considered.

Further, once the above recitation is considered, the claim recitations present at least one structural feature (the colored strip) that is able to perform two functions: (1) identification of the location of the wetness indicator; and (2) identification of the

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<sup>1</sup> The term strip will be used hereinafter to refer to both "strip" and to "strip part."



size/capacity. This is an unpredictable benefit resulting from a single structural feature.

**A - § 102(e) - Cammarota**

Claims 1, 2, 5-11, 19-25 and 46-47 are argued separately. Claims 1, 2, 5-11, 19-25 and 46-47 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cammarota (USPN 6,307,119). Appellant respectfully requests the Board to reverse the Examiner's decision for rejection.

**I - Patent Office Assertions**

The Office has asserted that:

it is noted that the indicia printed on the article does not provide any additional function to the article that the article of Cammarota lacks. In the present case, the claimed absorbent article and the article disclosed by Cammarota differ only in the substance of the material printed on the articles. The article of Cammarota comprises all the structural limitations of the present claims, and provides the same function as the claimed article (i.e., a wetness-indicating diaper). Therefore since the printed matter of the indicia does not provide the claimed article with any additional functionality, no new and unobvious functional relationship between the indicia and the article exists.

## **II - Appellant's Assertions**

Appellant asserts that the Office has made an unsupported and incorrect conclusion. And, accordingly, a *prima facie* case of anticipation has not been established.

The Office has concluded that "no new and unobvious functional relationship between the indicia and the article exists," but has not ignored the explicit function of the indicia. The claimed indicia is able to perform (at least) two functions; two functions that are not performed by the wetness indicators of Cammarota. Specifically, the claimed indicia has at least one structural feature (the colored strip) that is able to perform two functions ((1) identification of the location of the wetness indicator; and (2) identification of the size/capacity).

Accordingly, there is a novel, nonobvious functional relationship between the claimed indicia and article. As such, a *prima facie* showing of anticipation has not been properly established.

## **III - "Printed Matter" History and Case Law**

As a starting point, the original purpose of denying patentability as a result of distinguishing "printed matter" was because printed matter was essentially copyrightable subject matter, not patentable subject matter. See, e.g., *Guthrie v. Curlett*, 10 F.2d 725 (2d Cir. 1926). The early cases which considered printed matter concerned various kinds of printed business forms. The courts, in those cases, found no invention in the arrangement of the printed matter. See, e.g., *United States Credit System Co. v. American Credit Indemnity Co.*, 59 F. 139 (2d Cir. 1893).

However, the courts quickly found that certain uses of printed matter could support patentability. See, e.g., *Flood v. Coe*, 31 F.Supp. 348 (D. D.C. 1940) ("The invention here is more than an arrangement of printed matter on a piece of paper. There is a definite and decided relationship between the physical structure and the printed matter. The one depends upon the other.").

***Importantly, the CCPA has recognized that indicia can give patentable weight.*** *In re Miller*, 418 F.2d 1392 (CCPA 1969), concerned a measuring device designed to enable cooks to prepare fractional recipes without having to compute and measure out such quantities as 1/3 or 2/3 cup. Miller's invention consisted of proportionally-scaled measuring cups and spoons. For example, a measuring cup may be designated "one-half recipe" and then be calibrated in the normal fashion of 1/4 cup, 1/3 cup, 1 cup, etc. A cook could then follow the recipe numbers literally and yet prepare a one-half recipe. The Patent Office rejected the claims as unpatentable under the printed matter rule because an element of each claim was a legend on the receptacles and there was no novel relation between the printed legend (such as "one-half recipe") and the claimed structure. The CCPA reversed, stating:

'We do not see that structural relationship--whatever that means--is required to obtain the practical, problem-solving results of appellant's invention ... . [P]rinted matter, in an article of manufacture claim, *can* be given patentable weight. ... [N]o attempt is here being made to patent printed matter as such. The fact that printed matter *by itself* is not patentable subject matter, because non-statutory, is no reason for ignoring it when the claim is directed to a combination. Here there is a new and unobvious functional

relationship between a measuring *receptacle*, volumetric *indicia* thereon indicating volume in a certain ratio to actual volume, and a *legend* indicating the ratio. ... **The solicitor seems to urge that we ignore the claim limitations to the legends because they are printed and because printed matter is not patentable subject matter by itself. For reasons indicated above we reject that argument.**

*In re Miller*, 418 F. 2d at 1392 (emphasis added).

The Federal Circuit has followed the precedent established by the CCPA. See *In re Gulack*, 703 F.2d 1381 (Fed. Cir. 1983) and *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). In *In re Lowry* the Federal Circuit reversed a PTO "printed matter" rejection and asserted that *Gulack* **cautioned against "liberal use of 'printed matter rejections' under section 103."** *In re Lowry*, 32 F.3d at 1582-83.

Further, in *In re Lowry* the Federal Circuit asserts that "As part of its burden to establish a *prima facie* case of obviousness, ... **the burden of establishing the absence of a novel, nonobvious functional relationship [between the printed matter and the article exists] rests with the PTO.**" *In re Lowry*, 32 F.3d at 1584 (emphasis added).

#### **IV - Summary of the Law**

Accordingly, the case law is quite clear that the Office has the burden of establishing the absence of a novel, nonobvious functional relationship between the printed matter and the article exists.

And, the Office has been cautioned against liberal use of "printed matter rejections" under section 103.

And, indicia (as printed matter) have been recognized as capable of giving patentable weight.

#### **V - Application of the Law**

The Office has made a conclusory statement that no new and unobvious functional relationship between the printed matter and the article exists. The Office has not established the absence of a novel, nonobvious functional relationship between the printed matter and the article exists. Yet, this burden rests with the Office. Accordingly, the rejection must be withdrawn.

Moreover, the Office cannot establish the absence of a novel, nonobvious functional relationship between the printed matter and the article at issue. While the burden is on the Office establish the absence of a novel, nonobvious functional relationship between the printed matter and the article at issue, appellant will herein demonstrate a novel, nonobvious functional relationship between the printed matter and the article at issue.

The first step in determining a novel, nonobvious functional relationship, is to demonstrate a functional relationship. The second step is determining a novel, nonobvious relationship.

#### **V(a) - Functional Relationship**

As the specification indicates, a wetness indicator can be arranged at any location on an absorbent article, for example, along the side of the absorption body

or on the underside thereof. Accordingly, a person, such as a nurse, can have significant difficulty locating the wetness indicator to determine if the absorption body is wet and in need of changing. For example, if the wetness indicator is an "appearing" type, such that the indicator only becomes visible when exposed to urine, a nurse will have no idea where to look for a wetness indicator that has not yet "appeared."

Thus, a colored strip<sup>2</sup> (a color that is different than the color of the remainder of the backsheet) facilitates identification of the location of the wetness indicator on or adjacent to the strip.

Clearly, the strip has a function. A function is facilitating identification of the wetness indicator.

Further, each of claims 1 and 2 relate to the aspect that the color of the strip is indicia that provide an indication of a **size** or **absorption capacity** of the article. The color must provide an indication of a size or absorption capacity. Clearly, the strip has a function. A function is facilitating identification of the size/capacity of the article.

Thus, the strip has (at least) two functions identification of the location of the wetness indicator(s) and identification of the size/capacity of the article.

#### V(b) - Novel, Nonobvious Relationship

As discussed, the color of the strip is indicia that provide an indication of a **size** or **absorption capacity** of the article. Cammarota does not disclose or suggest

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<sup>2</sup> The term strip is being used to refer to both "strip" and to "strip part."

this. There is simply no disclosure or suggestion in Cammarota to provide a color that provides an indication of size or absorbent capacity.

The graphics in Cammarota do not provide any indicia at all. The graphics are simply present to make the article more appealing to a child undergoing toilet training. *See, for example, column 1, line 9 to column 2, line 6.* Claims 1 and 2 recite that the color of the strip (not simply the presence of a strip) is an indicia. The graphics of Cammarota do not have a specific color that indicates anything, let alone the size or absorption capacity of the article. Accordingly, Cammarota does not teach or suggest that the color of the strip is indicia that provide an indication of a size or absorption capacity of the article.

Further, each of claims 1 and 2 relate to a strip and a wetness indicator. Additionally, each of claims 1 and 2 relate to the aspect that identification of the location of the wetness indicator on or adjacent to the strip is facilitated by the strip having a color and wherein that color is different than the color of the remaining part of the backsheet.

In the *Response to Arguments* section of the *Official Action mailed 06/23/2009*, page 2, the Office asserts that "identification of the location of the wetness indicator is not a function of the article itself, but rather is a function of the method of using the article." Respectfully, this is a non sequitur. The issue is whether there is a novel, nonobvious functional relationship between the alleged printed matter (colored strip) and the article at issue. The identification of the location of the wetness indicator is one example of such a functional relationship between the colored strip and the claimed article.

Accordingly, the claimed colored strip has a novel, nonobvious functional relationship with the claimed article. There are at least two functional relationships: (1) the identification of the location of the wetness indicator(s) on the article; and (2) identification of the size or absorption capacity of the article.

#### **VI - Printer Matter Conclusion**

The Office has not established the absence of a novel, nonobvious functional relationship between the printed matter and the article exists. Yet, this burden rests with the Office. Accordingly, the rejection must be withdrawn.

Moreover, Appellant has established that the claimed colored strip has at least two novel, nonobvious functional relationships with the claimed article.

Moreover, beyond independent novel, nonobvious functional relationships, the claimed invention is presents at least **one** structural feature (the colored strip) that is able to perform **two** functions: (1) identification of the location of the wetness indicator; and (2) identification of the size/capacity. This is an unpredictable benefit resulting from a single structural feature.

Cammarota does not teach or suggest the presently claimed invention or the unpredictable benefit.

Accordingly, claims 1, 2, 5-11 and 19-25 should now be in condition for allowance.



**B- § 103(a) - Cammarota**

Claims 44 and 45 are argued separately. Claims 44 and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cammarota (USPN 6,307,119) in view of Miller (USPN 5,839,585). Appellant respectfully requests the Board to reverse the Examiner's decision for rejection.

The arguments, *supra*, regarding "printed matter" are incorporated herein.

Moreover, each of claims 44 and 45 recite an assortment of products comprising a plurality of absorbent articles of **at least two different** sizes or absorption capacities of the articles wherein each absorbent article comprises, inter alia, a strip part wherein different colors of the strip are an indicia that provides an indication of the difference in the size or absorption capacity of the article.

First, there is no teaching of indicia that provides an indication of size or absorption capacity. This is discussed *supra*. Cammarota is devoid of this disclosure or suggestion, and this deficiency is not remedied by Miller.

Second, the Office is asserting that two different sizes of the Cammarota diaper can be packaged together (as allegedly taught by Miller). However, packing two different sizes of the Cammarota diaper does not result in the presently claimed invention. This is so even if the Office asserts that a certain coloring of the Cammarota diaper acts as an indicia of size or absorption capacity of the article. That is, the coloring of the alleged indication in the Cammarota diaper will be the same throughout the "assortment of products." There is no indication of the difference between the **at least two different** sizes or absorption capacities of the articles.

The Office has not established a *prima face* finding of obviousness. A claim element is clearly missing from the asserted combination.

Accordingly, claims 44 and 45 are patentable over the cited art. Entry and allowance of the claims is respectfully requested.

**VIII. Claims Appendix**

See attached Claims Appendix for a copy of the claims involved in the appeal.

**IX. Evidence Appendix**

See attached Evidence Appendix for copies of evidence relied upon by Appellant.

**X. Related Proceedings Appendix**

See attached Related Proceedings Appendix for copies of decisions identified in Section II, supra.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date 4 December 2009

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## Table of Contents

I.	<u>Real Party in Interest</u> .....	2
II.	<u>Related Appeals and Interferences</u> .....	2
III.	<u>Status of Claims</u> .....	2
IV.	<u>Status of Amendments</u> .....	2
V.	<u>Summary Claimed Subject Matter</u> .....	2
VI.	<u>Grounds of Rejection to be Reviewed on Appeal</u> .....	8
VII.	<u>Argument</u> .....	8
A.	<u>§ 102(e) - Cammarota</u> .....	9
I.	<u>Patent Office Assertions</u> .....	9
II.	<u>Appellant's Assertions</u> .....	10
III.	<u>"Printed Matter" History and Case Law</u> .....	10
IV.	<u>Summary of the Law</u> .....	12
V.	<u>Application of the Law</u> .....	13
V(a).	<u>Functional Relationship</u> .....	13
V(b).	<u>Novel, Nonobvious Relationship</u> .....	14
VI.	<u>Printer Matter Conclusion</u> .....	16
B.	<u>§ 103(a) - Cammarota</u> .....	17
VIII.	<u>Claims Appendix</u> .....	18
IX.	<u>Evidence Appendix</u> .....	18
X.	<u>Related Proceedings Appendix</u> .....	18

## **VIII. CLAIMS APPENDIX**

1. An absorbent article comprising:

a liquid pervious topsheet,

a liquid impervious backsheet,

an absorbent body enclosed therebetween,

the liquid-impervious backsheet comprising a strip part and a remaining part, the strip part being an integral part of the backsheet, the strip part having a different color than the remaining part of the backsheet, and

a wetness indicator arranged at an inside of the liquid impervious backsheet in a pattern and being visible through the backsheet,

wherein the wetness indicator is disposed on or adjacent to the strip part such that identification of the location of the wetness indicator on or adjacent to the strip part is facilitated by the strip part that has a color and wherein that color is different than the color of the remaining part of the backsheet,

wherein the strip part has a width of between 1 and 6 cm, and

wherein the color of the strip part is an indicia that provides an indication of size, or absorption capacity of the article.

2. An absorbent article comprising:

a liquid pervious topsheet;

a liquid impervious backsheet;

an absorbent body enclosed therebetween;

a separate strip of material fastened on the inside of the backsheet, the strip having a different color than the backsheet; and

a plurality of wetness indicators arranged at an inside of the liquid impervious backsheet in a pattern and being visible through the backsheet,

wherein the wetness indicators are disposed on or adjacent to the strip such that identification of the location of the plurality of wetness indicators on or adjacent to the strip is facilitated by the strip that has a color and wherein that color is different than the color of the remaining part of the backsheet,

wherein the strip has a width of between 1 and 6 cm, and

wherein the color of the strip is an indicia that provides an indication of size, or absorption capacity of the article.

5. The absorbent article as claimed in claim 1, the article having a length in a longitudinal direction, the strip part extending in the longitudinal direction of the article over an entire length or at least an essential part of the length of the article.

6. The absorbent article as claimed in claim 1, wherein the strip part extends in a transverse direction of the article and is applied at a part of the article that is intended to form a folding line for a folded packaging position of the article.

7. The absorbent article as claimed in claim 1, wherein the strip part has a width between 1 and 8 cm.

8. The absorbent article as claimed in claim 1, further comprising:  
printed symbols or codes on or adjacent the strip part, the printed symbols or codes also being an indication of a product type, size, or absorption capacity of the article.

9. An absorbent article as claimed in claim 1, wherein the absorbent article is a diaper or an incontinence guard.

10. The absorbent article as claimed in claim 1, wherein the strip part is between 2 and 7 cm in width.

11. The absorbent article as claimed in claim 1, wherein the strip part is between 3 and 6 cm in width.

19. The absorbent article as claimed in claim 2, the article having a length in a longitudinal direction, the strip extending in the longitudinal direction of the article over an entire length or at least an essential part of the length of the article.

20. The absorbent article as claimed in claim 2, wherein the strip extends in a transverse direction of the article and is applied at a part of the article that is intended to form a folding line for a folded packaging position of the article.

21. The absorbent article as claimed in claim 2, wherein the strip has a width between 1 and 8 cm.

22. The absorbent article as claimed in claim 2, further comprising:  
printed symbols or codes on or adjacent the strip, the printed symbols or codes also being an indication of a product type, size, or absorption capacity of the article.

23. An absorbent article as claimed in claim 2, wherein the absorbent article is a diaper or an incontinence guard.

24. The absorbent article as claimed in claim 2, wherein the strip is between 2 and 7 cm in width.

25. The absorbent article as claimed in claim 2, wherein the strip is between 3 and 6 cm in width.

44. An assortment of products comprising:  
a plurality of absorbent articles of at least two different sizes, or absorption capacities of the articles,  
wherein each absorbent article comprises:  
a liquid pervious topsheet,  
a liquid impervious backsheet,  
an absorbent body enclosed therebetween,  
the liquid-impervious backsheet comprising a strip part and a remaining part,  
the strip part being an integral part of the backsheet, the strip part having a different color than the remaining part of the backsheet, and  
a wetness indicator arranged at an inside of the liquid impervious backsheet in a pattern and being visible through the backsheet,  
wherein the wetness indicator is disposed on or adjacent to the strip part such that identification of the location of the wetness indicator on or adjacent to the strip

part is facilitated by the strip part that has a color and wherein that color is different than the color of the remaining part of the backsheet,

wherein the strip part has a width of between 1 and 6 cm, and

wherein different colors of the strip part are an indicia that provides an indication of the difference in the size, or absorption capacity of the article.

45. An assortment of products comprising:

a plurality of absorbent articles of at least two different sizes, or absorption capacities of the articles,

wherein each absorbent article comprises:

a liquid pervious topsheet;

a liquid impervious backsheet;

an absorbent body enclosed therebetween;

a separate strip of material fastened on the inside of the backsheet, the strip having a different color than the backsheet; and

a plurality of wetness indicators arranged at an inside of the liquid impervious backsheet in a pattern and being visible through the backsheet,

wherein the wetness indicators are disposed on or adjacent to the strip such that identification of the location of the plurality of wetness indicators on or adjacent to the strip is facilitated by the strip that has a color and wherein that color is different than the color of the remaining part of the backsheet,

wherein the strip has a width of between 1 and 6 cm, and

wherein different colors of the strip are an indicia that provides an indication of the difference in the size, or absorption capacity of the article.



46. The absorbent article as claimed in claim 1, wherein the wetness indicator is disposed on the strip part such that identification of the location of the wetness indicator on the strip part is facilitated by the strip part that has a color and wherein that color is different than the color of the remaining part of the backsheet.

47. The absorbent article as claimed in claim 2, wherein the wetness indicators are disposed on the strip such that identification of the location of the plurality of wetness indicators on the strip is facilitated by the strip that has a color and wherein that color is different than the color of the remaining part of the backsheet.

## **IX. EVIDENCE APPENDIX**

NONE

## **X. RELATED PROCEEDINGS APPENDIX**

NONE